

7 CFR PARTS 250.2(B),250.3

CHAPTER X

COMMODITY HOLDS AND RECALLS

A. The Commodity Hold and Recall Process

The Commodity Hold and Recall process is used when the safety, wholesomeness, or condition of USDA donated foods is in question. The process does not relieve vendors of their responsibility for replacement and reimbursement of recalled products.

The Commodity Hold and Recall process was jointly developed by the Food and Nutrition Service (FNS), the Agricultural Marketing Service (AMS), the Farm Service Agency (FSA), and the Food Safety and Inspection Service (FSIS). Attached is a summary of the process.

If you suspect a food safety issue, please contact FNS immediately through their commodity complaint hotline at 1-800-446-6991. You may also contact the Commodity Distribution Unit at 1-800-952-5609, or your local health department.

For further information related to commodity holds and recalls visit the USDA website at www.fns.usda.gov/fdd/foodsafety/foodsafety.htm and refer to

Management Bulletin 01-410 located on the Nutrition Services Division website at www.cde.ca.gov/nsd/fdp/mb.

For a summary meat and poultry product recalls, visit the Food Safety and Inspection Service's website at www.fsis.usda.gov/OA/recalls/rec_intr.htm, or call the Meat and Poultry Hotline at 1-800-535-4555, or by e-mail at mp hotline.fsis@usda.gov.

For information on recalls of all other foods, please contact FDA's Center for Food Safety and Applied Nutrition's Outreach and Information Center at 1-888-SAFE FOOD (1-888-723-3366).

Additional information is also available on the Web site: www.foodsafety.gov.



Commodity Hold and Recall Process

Step I - Decision and Notification Process		
<p>Federal Responsibilities When the product recalled is a USDA purchased commodity the following actions will take place:</p> <ol style="list-style-type: none"> 1. The Food Safety and Inspection Service (FSIS) immediately alerts the Food and Nutrition Service (FNS) and, depending on the product, the appropriate procurement agency, the Agricultural Marketing Service (AMS), or the Farm Services Agency (FSA), that there is a potential recall. The procurement agency identifies the potential destinations and amount of product involved. 2. FSIS begins its investigation, including product testing and within 10 calendar days makes a recommendation on the disposition of the product. 3. In the event initial testing is inconclusive, FSIS may make a recommendation to put the product on hold. FNS will communicate hold decisions to the State. The State will then inform the affected Recipient Agencies (RA). The hold is to provide time for additional testing and data collection, which may result in a recommendation for a recall. 4. When a firm recalls a product, FSIS communicates the recall decision to FNS and the appropriate procurement agency. FNS will notify the State within 24 hours of the recall and provide the State with the recall notification, press release, and other information needed to track the product and document reimbursable costs. At the same time, the procurement agency begins discussions with the vendor for pick-up and replacement of recalled product. 	<p>State Responsibilities</p> <ol style="list-style-type: none"> 1. Upon receipt of a hold/recall notification, the State will contact each affected RA no later than 24 hours after receiving the hold/recall notification. 2. The State will notify RAs identifying the product name, affected lot numbers, and other pertinent product information. 3. The State will provide information needed to track the product and document reimbursable costs at the RA. 4. The State will release press information to assist RAs in responding to requests from media, parents, school district officials, and others. 5. The State will contact the distributors and warehouses, directing them to place the commodity on hold. The State will determine the amount of recalled product still in storage at the State level, and the location and amount of product delivered to RAs. 	<p>Recipient Agency (RA) Responsibilities</p> <ol style="list-style-type: none"> 1. RAs must provide to the State the location and quantity of product in storage, amount of product already consumed and document reimbursable costs. 2. RAs must immediately notify their sites of the recall, identify the location of the affected products (verify that the food items bear the product identification codes), isolate the commodities to avoid accidental use, and take an accurate inventory by location. 3. Information as to the quantity and location of the product must be submitted to the State within 10 calendar days of the recall. This quick turnaround is important for the following reasons: <ul style="list-style-type: none"> ● When a recall occurs, USDA works with the vendor to expedite removal and replacement of the product. During these actions, it is important for both USDA and the vendor to know the scope (locations and quantity) of the recall. ● USDA needs the cost data as soon as possible in order to expedite the reimbursement.

Step II - Product Disposition		
<u>Federal Responsibilities</u> While the State and RAs compile inventory information, the appropriate procurement agency, AMS or FSA, will work with the vendor to determine the best course of action for collecting the recalled product at local or centralized locations. In certain circumstances, product may be destroyed on-site, if agreed by the vendor and approved by FSIS.	<u>State Responsibilities</u> In most situations, the recalled product will be returned to the vendor from central locations within the State. The recalled product should be consolidated for pick-up as soon as possible, but no later than 30 days after the date of the recall notification.	<u>Recipient Agency Responsibilities</u> <ol style="list-style-type: none"> 1. RAs will work with the State to determine the appropriate method and timeframe for picking up the recalled product. 2. It is the RA's responsibility to consolidate the product from affected schools at a central location for pick-up.

Step III - Reimbursement/Replacement Process and Responsibilities		
When a recall occurs, in most cases the vendor/processor is responsible for replacing the affected product and reimbursing federal, state and local agencies for allowable costs incurred as a result of the recall.		
<u>Federal Responsibilities</u> <ol style="list-style-type: none"> 1. FNS and the responsible procurement agency, in consultation with the vendor, will make a decision regarding replacement of product or entitlement credit within 60 calendar of the recall notification. The preferred method is replacement of product. If the vendor agrees to replace the product, it will not be delivered to the State between April 1 and August 1, except when mutually agreeable to the vendor and the State. 2. The responsible procurement agency, AMS or FSA, will closely monitor the process to attempt to ensure the vendor/processor initiates reimbursement within 20 days of the recall notification. During this time, the procurement agency will process the reimbursement documentation/invoice received from the State. 	<u>State Responsibilities</u> <ol style="list-style-type: none"> 1. After receiving the reimbursement documentation from the RAs, the State must consolidate this information on a USDA Public Voucher and forward it to the procurement agency within 15 calendar days from the recall notification date. If the State fails to meet this deadline, the State will be reimbursed at the close-out of the recall process (90 calendar days). 2. The State is responsible for ensuring the sufficiency and accuracy of the RA documentation prior to submission to USDA. 3. Upon receiving the electronic funds transfer from USDA, the State will reimburse RAs within 90 days. 	<u>Recipient Agency Responsibilities</u> The quantity and location of the product must be submitted to the State within 10 calendar days for the RA to be reimbursed within 30 days of the recall notification. If the RA does not meet this deadline, reimbursement will be made at the close-out of the recall process (90 calendar days).